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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/837,844 | 04/18/2001 | Adrian Yap | PD-200297 | 3966 |

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THE DIRECTV GROUP, INC.
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| EXAMINER |
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RAMAN, USHA

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| ART UNIT | PAPER NUMBER |
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2424

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10/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed September 21, 2010 have been fully considered but they are not persuasive.

Applicant argues (see Remarks, page 9) that, "no erasure or termination of a recording is ever performed in Knudson", stating (see remarks, page 9) that, "The only function that Knudson can control is using the user-indicated preference to determine whether to record or not; not whether to terminate recording and erase a duplicate from the storage medium, because Knudson's system has no knowledge of what is stored on any storage medium connected to Knudson's system".

However, applicant must bear in mind that, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this instance, while applicant has attempted to argue against the Knudson reference individually, applicant does not take into account any modifications that would have been apparent to one of ordinary skill in the art based on the teachings available in the Hoffberg reference. In particular, Hoffberg discloses the step of tracking for duplicates and erasing a program being recorded in the event it is identified as a duplicate (col. 81, lines 61-col. 82, line 1). Accordingly Knudson's method of recording only unrecorded episodes can be modified with Hoffberg's method of checking for duplicates thereby to allowing a user to maintain a full library of episodes without duplicating them. Hoffberg further discloses that the recording is

buffered (col. 81, lines 61-62) and when a duplicate is identified, erased from the buffer. Accordingly the recording of a program on a storage medium (i.e. the buffer) is erased .

For at least the reasons stated above, the rejection is maintained.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Christopher Kelley/
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Unit 2424

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